

Exhibit 21

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF DANIELLE MORGERA

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Thursday, May 26, 2022

9:40 a.m. - 5:31 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

R E M O T E A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

COVINGTON & BURLING LLP

BY: JORDAN JOACHIM, ESQ.

BY: ANDREW TIMMICK, ESQ.

620 Eighth Avenue

New York, New York 10018

212-841-1000

APPEARING FOR THE DEFENDANTS:

HODGSON RUSS LLP

BY: DAVID SHORT, ESQ.

The Guaranty Building

140 Pearl Street, Suite 100

Buffalo, New York 14202

716-848-1609

1 A "High level" meaning?

2 Q Just generally, what is BTVA's role?

3 A We are by state law tasked with assisting the Buffalo
4 City Court in adjudicating noncriminal traffic
5 infractions.

6 Q Okay.

7 A We intake tickets. We process them. We schedule
8 traffic court.

9 Q And so what types of tickets does BTVA administer
10 specifically?

11 A Traffic infractions.

12 Q Okay. Does it handle any nonmoving violations?

13 A No.

14 Q What about jaywalking?

15 A What about jaywalking?

16 Q Does BTVA handle jaywalking tickets?

17 A No.

18 Q Okay. And are there any traffic tickets that BTVA
19 does not handle?

20 A Yes. Anything that is stated by law that is not in
21 our purview, for example, DUIs.

22 Q Okay. And what geographic area does BTVA cover?

23 A It would be the city of Buffalo.

1 Q Okay. So I believe you mentioned earlier that BTVA
2 is under the oversight of the mayor's office; is that
3 right?

4 A That's correct, by state legislation.

5 Q Okay. And what role does the mayor's office have in
6 overseeing the BTVA?

7 MR. SHORT: Form.

8 Q You can answer.

9 A I don't know.

10 Q Okay. So what -- on a day-to-day basis, what role
11 does the mayor's office have with respect to the
12 BTVA?

13 MR. SHORT: Form.

14 A The mayor's office doesn't -- I don't talk to the
15 mayor on a day-to-day basis.

16 Q Okay. Do you -- do you or the executive director
17 report up to the mayor's office regularly about the
18 BTVA?

19 A I do not. I cannot opine on what his actions are.

20 Q Okay. When was the BTVA created?

21 A I'm not quite sure when the legislation passed, but I
22 know that the office was opened July 1, 2015.

23 Q Okay. So BTVA was created by legislation; is that

1 correct?

2 MR. SHORT: Form.

3 A Yes.

4 Q Do you remember who was involved in getting that
5 legislation passed?

6 A I believe it was Crystal People-Stokes and Tim
7 Kennedy.

8 Q And who are they?

9 A They are our state representatives.

10 Q Do you remember if the mayor's office had -- was
11 involved in passing that legislation?

12 A I don't know.

13 Q Does BTVA have a set of written policies?

14 A I don't understand if you mean BTVA itself or --

15 Q Yes.

16 A Policies that are written -- as a civil servant,
17 we're subject to union policies. Is that what you
18 mean?

19 Q No. I mean internal to the agency, how you do
20 things, how you do your job at the agency.

21 A I understand. Thank you. Yes, there are internal
22 policies in the agency.

23 Q Okay. And are there written policies for traffic

1 prosecutors?

2 MR. SHORT: Form.

3 A Our traffic prosecutors write their own prosecution
4 policies.

5 Q Okay. Do you know if those are recorded somewhere?

6 A I'm sorry. I didn't understand what you said.
7 Recorded?

8 Q Yeah, if they're written down somewhere.

9 MR. SHORT: Form.

10 A Yes.

11 Q Okay. Where do revenues from BTVA go?

12 MR. SHORT: Form.

13 A I believe they go into the general city fund.

14 Q Is there a percentage that go to the State of New
15 York?

16 A There is --

17 MR. SHORT: Form.

18 A There's a portion that goes to -- that's distributed
19 to the State of New York. There's not a percentage.
20 There is a portion. They tell us what we owe them.

21 Q Thank you for that correction. So what -- how is
22 that portion determined?

23 A By state law.

1 Q Okay. And do you know, is it a set calculation, a
2 set number?

3 A Unfortunately, it is not. It's indicative to each
4 violation in itself.

5 Q I see. So depending on the violation, a certain
6 portion goes to the state; is that correct?

7 A Correct.

8 Q Before the BTVA, do you know what percentage or
9 portion of revenues from traffic violations went to
10 the state versus the City of Buffalo?

11 MR. SHORT: Form.

12 A My understanding is that it all went to the state.

13 Q Okay. So BTVA allowed Buffalo to keep a higher
14 portion of revenue from traffic tickets issued in the
15 city, correct?

16 MR. SHORT: Form.

17 A I don't understand that question.

18 Q Sure. So let me try that again. After the creation
19 of BTVA, Buffalo was able to keep a higher percentage
20 of revenue from traffic tickets issued within the
21 city, correct?

22 MR. SHORT: Form.

23 A That's too generalized for me to answer.

1 Q Okay. So I want to talk a little more concretely
2 about how BTVA operates. So let's say I'm driving
3 through the city of Buffalo. A police officer pulls
4 me over and writes me a ticket for speeding. What
5 happens next as far as the BTVA is involved?

6 A The instructions on your ticket would indicate when
7 you needed to return it to the agency. Upon receipt,
8 the clerks will intake the tickets, screen the
9 license, refer to our prosecutor's policy. If he has
10 preapproved a reduced plea to a nonmoving based on
11 their license history and the nature of the charge, a
12 reduced offer to a non-points violation is usually
13 tendered.

14 If it is something that the prosecutor has
15 flagged as a serious violation or habitual offender,
16 the clerks are not authorized to put forward his
17 offer on his behalf. And instead they must come in
18 for a pretrial conference.

19 If someone does not wish to take the plea, they
20 are scheduled for traffic court, where the officer is
21 called in, and the trial is held in front of a
22 judicial hearing officer, who makes the final
23 determination.

1 STATE OF OHIO)

2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 2nd day of June, 2022.


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Luanne K. Howe
Notary Public - State of Ohio

My commission expires 10-07-24

